

JAMES MCMANIS (40958)  
BRANDON ROSE (269196)  
McMANIS FAULKNER  
A Professional Corporation  
50 West San Fernando Street, 10th Floor  
San Jose, California 95113  
Telephone: 408-279-8700  
Facsimile: 408-279-3244  
Email: jmcmanis@mcmanislaw.com  
brose@mcmanislaw.com

Attorneys for Plaintiffs

MICHAEL C. SERVERIAN (133203)  
RANKIN, LANDSNESS, LAHDE, SERVERIAN &  
STOCK  
96 No. Third St., Suite 500  
San Jose, California 95112  
Telephone: (408) 293-0463  
Facsimile: (408) 293-9514  
Email: mserverian@rllss.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSEPHINE SMITH, an individual, et al.,  
Plaintiffs,  
vs.  
CITY OF SANTA CLARA, a public entity,  
et al.,  
Defendants.

Case No. CV 11-03999 LHK

**STIPULATION AND [PROPOSED]  
ORDER FOR LEAVE TO DEPOSE  
PRISONER**

///

///

///

///

///

///

Filed

APR 4 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

**STIPULATION**

The parties stipulate as follows:

1. Clay Rojas ("Mr. Rojas") is a former officer of the Santa Clara Police Department ("SCPD"). The parties believe that Mr. Rojas, while still a SCPD Officer, was the officer who initially spoke with plaintiff, Josephine Smith, and ultimately handcuffed her during the October 7, 2010, incident which is the subject of the instant civil action.

2. Mr. Rojas was recently sentenced to a 36-month term in federal prison. He went into federal custody on or about March 30, 2012. He was originally held in a facility in Dublin, California. However, the parties believe he is currently in a facility in Texas, albeit possibly temporarily. It is unknown where he will be housed for the duration of his prison term. His expected release date is October 31, 2014.

3. Leave of court is necessary to take the deposition because the deponent is confined in prison. Federal Rule of Civil Procedure 30.

4. Good cause exists for taking the deposition of Mr. Rojas.

5. The parties agree that the deposition of the prisoner shall be coordinated, scheduled, and managed by the Federal Bureau of Prisons.

DATED: April 4, 2012

McMANIS FAULKNER

/s/ Brandon Rose, Esq.

JAMES McMANIS  
BRANDON ROSE

Attorneys for Plaintiffs

DATED: April 4, 2012

RANKIN, LANDSNESS, LAHDE,  
SERVERIAN & STOCK

/s/Michael C. Serverian

MICHAEL C. SERVERIAN

Attorneys for Defendants

~~[PROPOSED]~~ ORDER

After reviewing the stipulation of the parties, the Court approves the Stipulation and orders as follows:

IT IS SO ORDERED:

1. The parties may take the deposition testimony of inmate Mr. Rojas pursuant to Rule 30 of the Federal Rules of Civil Procedures.
2. The parties may take Mr. Rojas's deposition in person.
3. The parties shall give notice of this Order to the Federal Bureau of Prisons so that the taking of the deposition testimony of Mr. Rojas may be set and noticed for a time and place that will minimize any disruption to the orderly operation of the federal prison where he is housed.
4. The deposition will be recorded by stenographic means and may also be recorded by sound and/or sound-and-visual means and may also simultaneously be transcribed using LiveNote.
5. The deposition may be videotaped by a certified videographer.
6. The deposition shall take no more than six (6) hours.

DATED: 4/4/12

Lucy H. Koh  
UNITED STATES DISTRICT JUDGE